

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2006-0823-DCL-E **TCEQ ID:** RN104957873 and RN104962618 **CASE NO.:** 29967**RESPONDENT NAME:** Zucker Enterprises, Inc. dba Sparkle Cleaners

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Sparkle Cleaners, 1605 George Dieter Drive and 6600 North Mesa, Suite 606, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Dry cleaning drop stations</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are no records of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Shontay Wilcher, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2136; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Stephen Zucker, President, Zucker Enterprises, Inc., 6990 Westwind Drive, Suite 465, El Paso, Texas 79912 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: May 23 and June 2, 2006</p> <p>Date of NOV/NOE Relating to this Case: June 22 and July 17, 2006 (NOE)</p> <p>Background Facts: These were routine investigations. One violation was documented.</p> <p>WASTE</p> <p>Failed to complete and submit the required registration form to the TCEQ for the Facilities [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$1,778</p> <p>Total Deferred: \$356 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$122 (remaining \$1,300 due in 13 payments of \$100 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the respondent submitted completed registration forms to the TCEQ for the Facilities on May 23 and June 2, 2006.</p>



Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Penalty Calculation Worksheet (PCW)

DATES	Assigned	17-Jul-2006	Screening	19-Jul-2006	EPA Due	
	PCW	20-Jul-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Zucker Enterprises, Inc. dba Sparkle Cleaners		
Reg. Ent. Ref. No.	RN104962618		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	29967	No. of Violations	1
Docket No.	2006-0823-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Christina J. Martinez
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,185

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes No enhancement due to compliance history.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5** -\$296

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes The respondent came into compliance before the Notice of Enforcement was issued.

Economic Benefit 0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$9
Approx. Cost of Compliance \$250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$889

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$889

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$889

DEFERRAL 20% Reduction **Adjustment** -\$178

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$711

Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners

Policy Revision 2 (September 2002)

Case ID No. 29967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104962618

Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No enhancement due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners

Policy Revision 2 (September 2002)

Case ID No. 29967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104962618

Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.10(a)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102

Violation Description The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

mark only one use a small x	daily	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$889

This violation Final Assessed Penalty (adjusted for limits) \$889

Economic Benefit Worksheet**Respondent** Zucker Enterprises, Inc. dba Sparkle Cleaners**Case ID No.** 29967**Reg. Ent. Reference No.** RN104962618**Media [Statute]** Drycleaner**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	02-Jun-2006	0.8	\$9	n/a	\$9
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent came into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$250****TOTAL** **\$9**

Compliance History

Customer/Respondent/Owner-Operator:	CN603043266 Zucker Enterprises, Inc.	Classification:	Rating:
Regulated Entity:	RN104962618 SPARKLE CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE EPA ID GENERATION		TXR000073452
Location:	6600 N MESA STE 606, EL PASO, TX, 79912		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	July 17, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 17, 2001 to July 17, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Christina J. Martinez	Phone:	(512) 239-0739

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

- B. Any criminal convictions of the state of Texas and the federal government.
N/A

- C. Chronic excessive emissions events.
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 07/12/2006 (480473)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A

- F. Environmental audits.
N/A

- G. Type of environmental management systems (EMSs).
N/A

- H. Voluntary on-site compliance assessment dates.
N/A

- I. Participation in a voluntary pollution reduction program.
N/A

- J. Early compliance.
N/A

- Sites Outside of Texas
N/A



Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Penalty Calculation Worksheet (PCW)

DATES	Assigned	26-Jun-2006	Screening	27-Jun-2006	EPA Due	
	PCW	27-Jun-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Zucker Enterprises, Inc. dba Sparkle Cleaners		
Reg. Ent. Ref. No.	RN104957873		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	29967	No. of Violations	1
Docket No.	2006-0823-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Christina J. Martinez
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Notes No enhancement due to compliance history.

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Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5** -\$296

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with a small x)

Notes The respondent came into compliance before the Notice of Enforcement was issued.

Economic Benefit 0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$9
Approx. Cost of Compliance	\$250

*Capped at the Total EB \$ Amount

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Notes

Final Penalty Amount \$889

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$889

DEFERRAL 20% Reduction **Adjustment** -\$178

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$711

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Policy Revision 2 (September 2002)

Case ID No. 29967

PCW Revision May 19, 2005

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Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

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Component	Number of...	Enter Number Here	Adjust.
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Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
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Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
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Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No enhancement due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

PCW

Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners

Policy Revision 2 (September 2002)

Case ID No. 29967

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104957873

Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.10(a)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102

Violation Description

The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

mark only one use a small x	daily	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$889

This violation Final Assessed Penalty (adjusted for limits) \$889

Economic Benefit Worksheet**Respondent** Zucker Enterprises, Inc. dba Sparkle Cleaners**Case ID No.** 29967**Reg. Ent. Reference No.** RN104957873**Media [Statute]** Drycleaner**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	23-May-2006	0.7	\$9	n/a	\$9
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent came into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$250****TOTAL** **\$9**

Compliance History

Customer/Respondent/Owner-Operator:	CN603043266	Zucker Enterprises, Inc.	Classification:	Rating:
Regulated Entity:	RN104957873	SPARKLE CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000069930
Location:	1605 GEORGE DIETER DR, EL PASO, TX, 79936			
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	June 29, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 29, 2001 to June 29, 2006			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christina J. Martinez Phone: 512-239-0739

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Zucker Enterprises, Inc.
4. If Yes, who was/were the prior owner(s)? Stephen Zucker
5. When did the change(s) in ownership occur? June 9, 2006

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/23/2006 (483476)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING**

**ZUCKER ENTERPRISES, INC. DBA
SPARKLE CLEANERS
RN104957873
RN104962618**

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-0823-DCL-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Zucker Enterprises, Inc. dba Sparkle Cleaners ("Zucker") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Zucker appear before the Commission and together stipulate that:

1. Zucker owns and operates two dry cleaning drop stations at 1605 George Dieter Drive and at 6600 North Mesa, Suite 606 in El Paso, El Paso County, Texas (the "Facilities").
2. The TCEQ has general authority to regulate the Facilities pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and Zucker agree that the Commission has jurisdiction to enter this Agreed Order, and that Zucker is subject to the Commission's jurisdiction.
4. Zucker received notice of the violations alleged in Section II ("Allegations") on or about June 27, 2006 and July 22, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Zucker of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Seven Hundred Seventy-Eight Dollars (\$1,778) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Zucker has paid One Hundred Twenty-Two Dollars (\$122) of the administrative penalty and Three Hundred Fifty-Six Dollars (\$356) is deferred contingent upon Zucker's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived

upon full compliance with the terms of this Agreed Order. If Zucker fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Zucker to pay all or part of the deferred penalty.

The remaining amount of One Thousand Three Hundred Dollars (\$1,300) of the administrative penalty shall be payable in 13 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Zucker fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Zucker to meet the payment schedule of this Agreed Order constitutes the failure by Zucker to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Zucker have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Zucker submitted completed registration forms to the TCEQ for the Facilities on May 23 and June 2, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Zucker has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, Zucker is alleged to have failed to complete and submit the required registration form to the TCEQ for the Facilities, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during investigations conducted on May 23, 2006 and June 2, 2006.

III. DENIALS

Zucker generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Zucker pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Zucker's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Zucker Enterprises, Inc. dba Sparkle Cleaners, Docket No. 2006-0823-DCL-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Zucker. Zucker is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
3. If Zucker fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Zucker's failure to comply is not a violation of this Agreed Order. Zucker shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Zucker shall notify the Executive Director within seven days after Zucker becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Zucker shall be made in writing to the Executive Director. Extensions are not effective until Zucker receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Zucker in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

Zucker Enterprises, Inc. dba Sparkle Cleaners

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6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Zucker, or three days after the date on which the Commission mails notice of the Order to Zucker, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

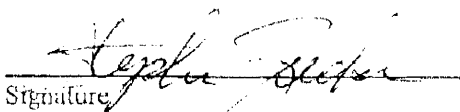
9/16/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7/31/07
Date

Stephen Zucker
Name (Printed or typed)
Authorized Representative of
Zucker Enterprises, Inc. dba Sparkle Cleaners

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

